

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

EARL JONES,

Plaintiff,

vs.

MICHAEL J. ASTRUE,<sup>1</sup> Commissioner  
of Social Security Administration,

Defendant.

No. C06-3025-MWB

**ORDER**

The defendant has filed a motion (Doc. No. 14) asking the court to reverse and remand this case pursuant to sentence four of 42 U.S.C. § 405(g), for a finding of disability and payment of benefits. Sentence four remand pursuant to 42 U.S.C. § 405(g) requires a plenary review of the record and “a substantive ruling regarding the case, rather than merely returning the case to the agency for disposition.” *Hanson v. Chater*, 895 F. Supp. 1279, 1282-83 (N.D. Iowa 1995) (“Absent a judgment or substantive ruling in the case, a remand is not permitted under sentence four of 42 U.S.C. § 405(g).”) (citing *Shalala v. Schaefer*, 509 U.S. 292, 299-300, 113 S. Ct. 2625, 2630, 125 L. Ed. 2d 239 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 98, 111 S. Ct. 2157, 2163, 115 L. Ed. 2d 78 (1991)).

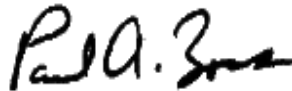
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<sup>1</sup>This case was filed originally against Jo Anne B. Barnhart, who was at that time Commissioner of the Social Security Administration (“SSA”). On February 12, 2007, Michael J. Astrue became Commissioner of the SSA, and he hereby is substituted as the defendant in this action. *See* Fed. R. Civ. P. 25(d)(1).

The court has reviewed the Record in this case, and finds the defendant's motion has merit. Accordingly, the motion is **granted**, and this case is **reversed and remanded** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for calculation and payment of benefits.

**IT IS SO ORDERED.**

**DATED** this 27th day of March, 2007.

A handwritten signature in black ink, appearing to read "Paul A. Zoss", is written above a horizontal line.

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PAUL A. ZOSS  
CHIEF MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT